IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.95 OF 1999

The Commissioner of Income-tax ..Applicant.

V/s.

20th Century Finance Corpn. Ltd. ..Respondent.

Mr.R.V.Desai, senior counsel with Mr.A.S.Rao for applicant.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 11TH JANUARY, 2005.

P.C. :-

Heard learned counsel for the applicant. Perused the Judgment and order dated 4/8/1998 passed by the Income Tax Appellate Tribunal. From the perusal of the order, it is very clear that the Tribunal itself has cancelled the earlier order under section 263 of the I.T. Act in the case of assessee-respondent. Under these circumstances, the assessment made prior to the order under section 263 of the I.T.Act would not survive. In these circumstances, no case is made out for raising any substantial question of law. Hence application stands dismissed with no order as to costs.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)